IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

CADENCE PHARMACEUTICALS, INC. and SCR PHARMATOP,	)	
Plaintiffs,	)	
	)	C.A. No. 11-733-LPS
v.	)	
EXELA PHARMA SCIENCES, LLC, *et al.*,	)	
Defendants.	)	

REQUEST FOR INTERNATIONAL JUDICIAL ASSISTANCE

The United States District Court for the District of Delaware respectfully requests international judicial assistance to obtain evidence pursuant to, and in conformity with, Chapter II, Articles 17, 18, and 21 of the Hague Convention of 18 March 1970 on the Taking of Evidence Abroad in Civil or Commercial Matters, to be used in a civil proceeding now pending before this Court in the above captioned matter.

Based on the representations made by Plaintiffs Cadence Pharmaceuticals, Inc. and SCR Pharmatop and Defendants Exela Pharma Sciences, LLC, Exela Pharmasci, Inc., and Exela Holdings, Inc., this Court believes that Jehan-Yves Drouin has knowledge regarding material facts that are relevant for the proper prosecution of the above captioned case. This Court requests the assistance described herein:

1.	***Sender:***	Honorable Leonard P. Stark United States District Court for the District of Delaware 844 North King St., Unit 18 Wilmington, DE 19801-3570 USA
2.	***Central Authority of the Requested State:***	Ministère de la Justice Direction des Affaires Civiles et du Sceau Bureau de l'entraide civile et commerciale internationale (D3) 13 Place Vendome 75042 Paris, Cedex 01, France
3.	***Person to whom the executed request is to be returned:***	Defendants' United States Legal Representative Adam W. Poff Pilar G. Kraman YOUNG CONAWAY STARGATT & TAYLOR, LLP Rodney Square 1000 North King Street Wilmington, DE 19801 Telephone: 302-571-6600 Facsimile: 302-571-1253 apoff@ycst.com pkraman@ycst.com

4. ***Specification of the date by which the requesting authority requires receipt of the response to this request for taking of evidence by diplomatic officers, consular agents and commissioners***:

Date:	September 30, 2012 or as soon as practical before
Reason for urgency:	Testimony from Jehan-Yves Drouin of Bristol-Myers Squibb France is necessary because he has knowledge and information pertinent to the issues in the patent litigation in the District Court for the District of Delaware.

IN CONFORMITY WITH ARTICLE 3 OF THE CONVENTION, THE UNDERSIGNED APPLICANT HAS THE HONOUR TO SUBMIT THE FOLLOWING REQUEST:

5.	*a)* ***Requesting judicial authority:***	Honorable Leonard P. Stark United States District Court for the District of Delaware 844 North King St, Unit 18 Wilmington, DE 19801-3570 USA
	b) ***To the competent authority of:***	Ministère de la Justice Direction des Affaires Civiles et du Sceau Bureau de l'entraide civile et commerciale internationale (D3) 13 Place Vendome 75042 Paris, Cedex 01, France
	c) ***Names of the case and any identifying number:***	*Cadence Pharmaceuticals Inc. et al. v. Paddock Laboratories et al.*, Civil Action 1:11-cv-00733-LPS
6.	***Names and addresses of the parties and their representatives (including representatives in the requested State):***	
	a) ***Plaintiff***:	See Attachment A: List of Plaintiffs and Representatives for Plaintiffs.
	Representatives:	See Attachment A.
	b) ***Defendant:***	See Attachment B: List of Defendants and Representatives for Defendants.
	Representatives:	See Attachment B.
	c) ***Other parties' Representatives***:	None

7.	*a) **Nature of proceedings (divorce, paternity, breach of contract, product liability, etc.)***:	The nature of the proceedings for which the evidence is requested concerns a civil patent infringement lawsuit based upon a complaint filed by Plaintiffs on August 18, 2011.
	*b) **Summary of complaint***:	Plaintiffs have alleged that Defendants infringe the claims of U.S. Patent Nos. 6,028,222 and 6,992,218 based upon each Defendant's submission of an abbreviated new drug application seeking approval to make, market and sell generic versions of Cadence's Ofirmev® intravenous acetaminophen.
	*c) **Summary of defence and counterclaim***:	The defenses offered are that the claims of U.S. Patent Nos. 6,028,222 and 6,992,218 are invalid or would not be infringed under U.S. law by the Defendants.
	*d) **Other necessary information or documents***:	None
8.	*a) **Evidence to be obtained or other judicial act to be performed***:	It is respectfully requested that a judicial authority of the French Republic order the individual identified in item 9 to provide testimony as described in Attachment C, related to the '222 and '218 patents.
	*b) **Purpose of the evidence or judicial act sought***:	Plaintiffs seek to obtain evidence relating to U.S. Patent Nos. 6,028,222 and 6,992,218 that may be pertinent to pursue or respond to the charges set forth in Plaintiffs' complaint of patent infringement as well as the Defendants' defenses and counterclaims (*e.g.*, invalidity and noninfringement).

9.	***Identify and address of any person to be examined***:	Jehan-Yves Drouin BMS France 3, rue Joseph Monier BP 325 92506 Rueil-Malmaison Cedex France
10.	***Questions to be put to the persons to be examined or statement of the subject-matter about which they are to be examined***:	Defendants seek to depose Jehan-Yves Drouin about the topics described in Attachment C.
11.	***Documents or other property to be inspected***:	Defendants seek documents from Jehan-Yves Drouin and BMS France as described in Attachment D.
12.	***Any requirement that the evidence be given on oath or affirmation and any special form to be used***:	It is respectfully requested that an examiner or other appropriate judicial officer of the French Republic direct that the witness be duly sworn in accordance with the applicable procedures of France, and that the testimony be taken and transcribed by a qualified court reporter and videographer chosen by Plaintiffs' representatives. It is further requested that the transcription of the deposition be in the English language if allowable under the local law.
13.	***Special methods or procedure to be followed (e.g. oral or in writing, verbatim, transcript or summary, cross-examination, etc.)***:	It is requested that the deposition be oral, in the English-language (with translators, if necessary), and conducted in person by representatives for the named Plaintiffs in the above identified patent litigation in the District Court for the District of Delaware. A verbatim transcript of the deposition that has been reviewed and signed by the deponent will be required.

14.	***Request for notification of the time and place for the execution of the Request and identity and address of any person to be notified***:	Defendants c/o their representatives and counsel, as identified in Attachment B.
15.	***Request for attendance or participation of judicial personnel of the requesting authority at the execution of this request***:	None
16.	***Specification of privilege or duty to refuse to give evidence under the law of the State of origin***:	The witness may refuse to give evidence only insofar as he or she has a privilege or duty to refuse to give evidence under the laws of the United States or the laws of the French Republic.
17.	***The fees and costs incurred which are reimbursable under the second paragraph of Article 14 or under Article 26 of the Convention will be borne by***:	Defendants c/o their representatives and counsel, as identified in Attachment B.
18.	***Date of Request***:	December 7, 2012
19.	***Signature of the Requesting Authority***:	Honorable Leonard P. Stark, Judge, United States District Court for the District of Delaware

ATTACHMENT A: List of Representatives for Plaintiffs

Plaintiff: **Cadence Pharmaceuticals, Inc.,**
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ATTACHMENT B: List of Defendants and Representatives for Defendants

Defendants: Exela Pharma Sciences, LLC; Exela PharmSci, Inc.; and Exela Holdings, Inc.
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ATTACHMENT C

TOPICS FOR DEPOSITION OF JEHAN-YVES DROUIN

1. Any problems with prior art injectable acetaminophen solutions and methods of infusing them.

2. The reasons for the commercial success or lack of commercial success of Perfalgan.

3. Any long felt need in the marketplace satisfied by Perfalgan.

4. The failure or success of others to develop an acetaminophen solution for injection.

5. Bristol Meyers Squibb – France's ("BMS") sales and marketing plans for Perfalgan.

6. BMS's sales of and profits from Perfalgan from 2001-2011

7. Products that compete with Perfalgan in European market, including the market shares for Perfalgan and those competitive products from 2001-2011.

8. BMS's Perfalgan customers from 2001-2011.

9. Stability testing of registration, validation and commercial batches of Perfalgan.

10. The presence, identification and analysis of any visible particles in any registration, validation and/or commercial batches of Perfalgan.

11. The relationship between UPSA and BMS.

12. Royalties received or paid by BMS for licenses relating to the Patents.

13. The development of Perfalgan in a bag and in a glass vial.

14. BMS's decision to not market IV APAP for the US.

15. BMS's decision to license IV APAP in the US.

16. BMS's decision not to license IV APAP in the US to other companies, including

McNeil.

ATTACHMENT D

DOCUMENTS REQUESTED FROM JEHAN-YVES DROUIN AND BMS FRANCE

1. Documents relating to the BMS's profits and/or losses for Perfalgan from 2001 – 2011, including all Perfalgan profit and loss statements from that time.

2. Documents showing BMS's sales of Perfalgan from 2001 – 2011 in units and currency.

3. BMS's marketing and business plans for Perfalgan from 2001-2011.

4. Licenses and other documents relating to negotiations of licenses relating to the Patents or Perfalgan.

5. Documents relating to any long-felt need in the European market satisfied by Perfalgan.

6. Documents relating to stability data from any registration, validation or commercial batches of Perfalgan.

7. Documents demonstrating the failure or success of others in developing an acetaminophen for injection product.

8. Documents relating to analyses of the Perfalgan market and/or products that compete with Perfalgan, including market share data from 2001 – 2011.

9. Documents showing BMS's Perfalgan customers from 2001 – 2011.

10. Any documents not yet produced to Defendants that Plaintiffs intend to use at Mr. Drouin's deposition.